IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application:	**10/568,728**
Confirmation Number	**7147**
Attorney Docket No.	**IBT1.073-US**

Via EFS-Web

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

SUBMISSION OF MARCH 4, 2011

Applicant hereby responds to the Notice of Allowance and Fees Due issued December 8, 2010, in the above-identified matter.

Transmitted herewith is the Fee Transmittal and $1,055.00 in fees for the issuance of this application.

COMMENT ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Applicant notes with appreciation the Examiner's allowance of claims 17, 18, 20-27, and 31-42 of the present application.

Applicant hereby replies to the Examiner's Response to Amendment, wherein the Examiner asserts that the declarations of Dr. Axel Hentrich and Mr. Heiko Jacobs are insufficient to overcome the rejection of claims based upon U.S. Patent 6,264,599 to Slater et al ("Slater I") and U.S. Patent 6,273,851 to Slater et al ("Slater II"). The Examiner points to U.S. Patent 5,769,681 to Greenwood, Sr. et al. ("Greenwood") to support that it would have been obvious to reverse the ball and socket arrangement on the brachytherapy seeds of the invention.

The declarations of Dr. Axel Hentrich and Mr. Heiko Jacobs discuss the problem of seed migration in human tissue encountered by persons skilled in the art of implanting brachytherapy seeds in the human body. Each of the prior art seeds of Slater I, Slater II, and the seeds of the Saibishkumar and Tapen references cited in the declaration, have a **ball** configuration on the seeds. In contrast, the seeds of the present application have a **socket** configuration on the seeds. The declarants have provided their reasoned statements on how the socket-on-seed configuration of the present invention minimizes the movement of the seeds from the specific positions where they were embedded in body tissue by the physician. To maintain a prescribed radiation dosage to the diseased tissue, it is important that each seed stay where it has been placed.

Applicant points out that the ball-and-socket arrangements disclosed by the Greenwood patent apply to a **toy construction system** and not to the **medical arts**. Greenwood does not disclose or suggest that interchangeable ball-and-socket arrangements of toys would or could be applied to the medical arts. Greenwood does not disclose or suggest that the socket of a toy may have a particular benefit when such a configuration is implanted in human tissue.

Furthermore, Applicant asserts that Greenwood is representative of non-analogous art, which the Examiner is improperly applying to the medical arts. Clearly, it is not the practice to imbed toys into human tissue. One of ordinary skill in the art of implanting brachytherapy seeds would not look to toys of Greenwood for solutions to prevent migration of seeds in human tissue.

Moreover, the ball-and-socket arrangement in the toys of Greenwood teaches utility for the **connection between** the pieces of the toys. True, the seeds of Applicant have the connectivity function disclosed in Greenwood. However, the declarations of Dr. Axel Hentrich and Mr. Heiko Jacobs describe an additional functional benefit of the particular arrangement of the socket on the seed, which prevents seed migration when the seed is imbedded in human tissue. See also the present patent application at page 2, lines 2-4. That additional function is not

disclosed, contemplated, or suggested by Greenwood. Such a functionality was not taught by the Greenwood patent and would not have been in any way relevant to the toys of Greenwood, Thus there would have been no reason for an inventor in the brachytherapy art to consider this as a pertinent reference.

Applicant asserts that the particular arrangement of having a seed with a socket joint is novel and non-obvious in the medical arts.

Respectfully submitted: March 4, 2011

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